

LANDOWNERS WITH ALLEGED WATER WELL LOSSES OR IMPACTS FROM COAL BED NATURAL GAS ACTIVITIES¹

LANDOWNERS THAT HAVE NOT CONTACTED THE SEO

Sheridan Area:

- Linda Peterson – 1 well, replaced by Fidelity, took several tries, had repeated problems
- Craig Hanson – 1 well, replaced by Huber, had repeat problems, had to be redone
- Frank Sturbenz – 1 well, replaced by CBNG industry
- Pilch Ranch – 1 or 2 wells, replaced by CBNG industry
- Yalowizer Processing – 1 well lost, don't know about replacement
- John Quarterman – 1 well recently lost, not yet replaced
- Leo Ankeny – well lost

Spotted Horse, Arvada, Powder River Area:

- Marge and Bill West – 3 wells lost, 1 replaced at the house but poor water quality requiring expensive water treatment
- Gary Packard – 1 well lost
- Malli's – lost 3 or 4 wells
- Larrimer (Larimore?) – lost well(s)
- Suranyi – lost well(s)
- Voiles – lost (well(s))
- Kunz – lost well(s)

Gillette Area:

- Ruth and Harley Reile – 1 well lost, replaced by CBNG
- Marion Scott – 1 well lost, replaced by CBNG
- Butcher – 1 well lost, replaced by CBNG

LANDOWNERS THAT HAVE CONTACTED THE SEO TO DISCUSS OTHER ISSUES (NOT RELATED TO POTENTIAL WELL INTERFERENCE)

Sheridan Area:

- John Dewey – 1 well lost, don't believe it's been replaced
Note: SEO met with Mr. Dewey to discuss well access issues.

¹ Source: List and comments provided by Powder River Basin Resource Council, October 2006; notes provided by the State Engineer's Office, October 2006.

Spotted Horse, Arvada, Powder River Area:

- Earl Boardman – 4 wells lost, sold place to Anadarko
Note: SEO met with Mr. Boardman to discuss discharge issues.
- Gibbs – lost well(s)
Note: Mr. Gibbs contacted SEO re deteriorating water quality in his artesian flowing well.

Gillette Area:

- Don Joslyn – 2 wells not yet replaced, CBNG company promised to replace but recently sold to another company
Note: SEO met with Mr. Joslyn to discuss reservoir and discharge issues.

LANDOWNERS THAT HAVE CONTACTED THE SEO REGARDING POTENTIAL WELL INTERFERENCE ISSUES

Sheridan Area:

Beatty Spur Subdivision

Allison and Richard Cole – 1 well lost, not replaced
David and Sarah Harper – 1 well lost, not replaced
Dawson and LaDean Haux – 1 well lost, not replaced
Clara Jenkins – 1 well lost
Michael and Jan Feaster – 1 well lost
Loren Minear – 1 well lost

*Note: In response to several calls re potential well interferences associated with CBNG activities in the Sheridan area (involving Beatty Spur homeowners and representatives from JM Huber), the SEO decided it would be helpful to hold a **public information meeting** to discuss pertinent state statutes related to groundwater interference complaints. The SEO also asked the Wyoming Oil and Gas Conservation Commission (WOGCC), State Lands, and the Department of Environmental Quality (WDEQ) to attend the meeting to answer any questions. No formal requests for interference investigations (or follow up questions or requests for additional information) were received from any of the Beatty Spur Homeowners subsequent to the April 30, 2004 meeting.*

On September 28, 2004, the State Engineer met with J.M. Huber and Beatty Spur homeowners to try and bring the issue to resolution. Negotiations continued between JM Huber and Beatty Spur Subdivision residents through approximately December 2004. JM Huber offered to provide two community systems (alluvial supply wells) even though no formal interference complaint has been filed by the Beatty Spur residents.

To date, no agreement has been reached between JM Huber and the Beatty Spur residents. At last report, some of the homeowners have filed suit against JM Huber and the court date has been set for March 7, 2007.

Spotted Horse, Arvada, Powder River Area:

- Myrtle and Dick Wallis – 1 well lost, replaced by poorer water quality
Note: SEO conducted site visit, well was unpermitted.
- Bev and Roland Landrey – 1 well lost, replaced after over 1 year without functioning water well and by a poorer water quality well
Note: The Landrey's well is 38 years old, is 890 feet deep, was constructed with 2-inch, black iron casing, flowed under artesian pressure, and apparently produced gas since it was completed. Although the well quit flowing (and it is important to remember that the right of the appropriator does not include the right to have the water level or artesian pressure at the appropriator's point of diversion (i.e., the well) maintained at any level or pressure higher than that required for maximum beneficial use of the water in the source of supply (W.S. §41-3-933)), there was water available in the well. However, since the well was constructed with small diameter casing (i.e., 2-inch casing), a pump could not be installed in the well to access the water. Therefore, the Landreys' well is considered "inadequate" and does not meet the criteria required to claim interference.
- Ken Clabaugh – lost 2 or 3 wells, 2 replaced
Note: Mr. Clabaugh's wells were considered "inadequate" (i.e., 2 inch wells that have water in them but the well diameter precludes installation of a pump to access the water) and unpermitted. Therefore, Mr. Clabaugh's wells are considered "inadequate" and do not meet the criteria required to claim interference.
- Rowley – lost 1 well
Note: The SEO reviewed Mr. Rowley's claims of lost artesian flow to his well and determined that his water right does not guarantee perpetual artesian flow. A search of the SEO's water right database indicates there are five producing gas wells located in the vicinity of Mr. Rowley's well. These wells all have valid water rights from the SEO and have a priority date of 5-19-05. Mr. Rowley's well has a priority date of 02-08-06 (junior to the five CBNG wells) but according to the Statement of Completion and Description of Well or Spring, had been producing water since ~1985. It appears Mr. Rowley's well was drilled and used for a period of 21 years without a permit from the SEO.
- Hoffheimer - lost 5 or 6 wells, extensive and costly arbitration effort to get replacement which has been ordered to happen but has not yet occurred
Note: The SEO conducted an informal investigation of Mr. Hoffheimer's claims of interference to six of his wells. Based upon review of Mr. Hoffheimer's water rights, the SEO determined there is insufficient evidence to determine if each of the six wells can be considered adequate – based on both the condition and construction of the wells. Wells have an expected "useful life" – casings and equipment deteriorate with time. Mr. Hoffheimer's wells are 89, 46, 44 and 22(3 wells) years old and completion information for the three oldest wells is nonexistent. According to Mr. Hoffheimer three of the wells are completed with 2-inch casing and three wells are constructed with 4-inch casing that telescopes down to 2-inch casing. Wells completed with 2-inch casing most certainly could be considered inadequate as the minimum casing size precludes the installation of most pumping equipment. Based upon information provided by Mr. Hoffheimer

and his lessee, each of the six the well casings contain water but the casing size precludes installation of pumps to access the water. Therefore, the SEO concluded “unreasonable interference” is not occurring.

- Floyd’s – lost well(s)

Note: SEO attempted to follow up in 1999, no response from complainant.

Gillette Area:

- Gayle Nanneman – 1 well lost, pursued replacement through legal arbitration

Note: In 2004, the SEO received a formal request for an interference investigation of a domestic well being impacted by CBNG development, with the requisite \$100 check, from the Nannemans. The investigation consumed a minimum of 116 man hours and staff had begun collecting field data from 67 non-CBNG wells, 65 CBNG wells and one coal mine in a 9-section area surrounding the appropriator’s well (the SEO water rights database contains 268 entries/(well permits for this area). In the interim, the Nannemans filed a lawsuit against Hi-Pro Production, LLC, the CBNG producer. The lawsuit was resolved in mediation and on September 24, 2004, the Nannemans’ attorney notified the SEO that they no longer needed further investigation from the SEO.